

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARCUS HILLIARD,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-01144
)	
NATIONAL BOARD OF MEDICAL)	Hon. Martha M. Pacold
EXAMINERS,)	
)	
Defendant.)	
_____)	

**MOTION TO DISMISS SECOND AMENDED COMPLAINT BY
DEFENDANT NATIONAL BOARD OF MEDICAL EXAMINERS**

Defendant National Board of Medical Examiners (“NBME”) hereby moves to dismiss the Americans with Disabilities Act claim asserted against NBME in the Second Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction, on the grounds that Plaintiff Marcus Hilliard (“Mr. Hilliard”) lacks standing to assert this claim against NBME. In the alternative, NBME moves to dismiss the claim pursuant to Fed. R. Civ. P. 12(b)(6) because it is barred by the two-year statute of limitations.

The grounds for this motion are set forth more fully in the accompanying memorandum of law.

Counsel for NBME conferred with counsel for Plaintiff on May 10, 2022. Plaintiff opposes this motion. NBME and Mr. Hilliard have agreed to the following briefing schedule:

Plaintiff’s Opposition due June 6, 2022

NBME’s Reply due June 24, 2022

Wherefore, NBME requests that the claim asserted against it in the Second Amended Complaint be dismissed.

Dated: May 10, 2022

Respectfully submitted,

/s/ Caroline M. Mew

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CERTIFICATE OF SERVICE

On this date I caused a copy of the foregoing document to be served on each of the attorneys identified below via CM/ECF:

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Dated: May 10, 2022

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